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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,661	10/31/2001	Akira Sugiyama	450100-03598	2440
20999	7590	08/09/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CATHEY II, PATRICK H	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,661	Applicant(s) SUGIYAMA ET AL.	
	Examiner Patrick H. Cathey II	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Applicant's arguments with respect to claim's 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim's 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumura et al. (US 5,835,144).

As for Claim's 1 and 4, Matsumura et al. teach an input means for inputting the input data (Column 8, lines 3-6), start detecting means for detecting the start of the predetermined unit of the input data, in which the predetermined unit corresponds to a frame (Column 1, line 61 to Column 7, line 6; Column 9, lines 21-29; Column 9, lines 39-50), means for receiving a frame end signal indicative of the end of a number of frames (Column 10, lines 51-59; Column 9, lines 35-50); end detecting means for detecting the end of a respective frame based on the frame end signal (Column 10, lines 51-59; Column 9, lines 35-50), and signal processing means for making an action on the variable length code active at the start detected by the start detecting means (Column 8, lines 38-64), for making the action on the variable length code inactive at the end detected by the end detecting means (Column 10, lines 51-59; Column 9, lines 35-

50), and for initializing the state of the action on the variable length code at the end detected by the end detecting means (Column 6, lines 55-65).

As for Claim 7, many of the limitations have been addressed in the above rejections. In addition, Matsumura et al. teach suspending processing for a period of time, the period of time being from the end of frame data to a subsequent start signal, when an error is detected (Column 8, line 65 to Column 9, line 29), detecting a start code for a corrected stream of data (Column 9, lines 26-29), and re-initiating the processing step as a function of the detecting step (Column 9, lines 26-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. in view of Strongin et al. (US 5,784,494).

As for Claim 2, Matsumura et al. fails to specifically teach the input data comprising of MPEG encoded data, but Strongin et al. does (Column 2, lines 5-17). He shows that one compression standard which has attained wide spread use for compressing and decompressing video information is the moving pictures expert group (MPEG) standard for video encoding and decoding. Since Strongin et al. shows that this MPEG coding method is standard in many applications it would have been obvious

to one of ordinary skill to assume that Matsumura et al. could or might have used the MPEG coding method in his invention.

As for Claim's 3 and 5, Matsumura et al. fails to teach the output being able to be recorded, but Strongin et al. does (Column 2, lines 5-6). He shows that the use of this application and the recording media is standard to record the output therefore it would have been obvious to one of ordinary skill to have a recording means to record the output of the signal processor.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. in view of Ching et al. (US 3,971,888).

Matsumura et al. fail to specifically teach where the means for receiving includes a flip-flop circuit, but Ching et al. does (Column 15, lines 4-37). Since the flip-flop circuit can be used to control how the signal is received by energizing and de-energizing the circuit, it would have been obvious to one of ordinary skill to use a simple flip-flop circuit or any other type of circuit that would be capable of controlling when the circuit is energized or not in order to control when the signal is received.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2613

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC

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SUPERVISORY PATENT EXAMINER
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